

From: [Benjamin Klein](#)
To: [Shea, Valois](#)
Cc: [Jon Indall](#); [Harry Anthony](#)
Subject: UPA comment letter on Dewey-Burdock draft permit
Date: Monday, June 19, 2017 5:28:16 PM
Attachments: [UPA comment letter.pdf](#)

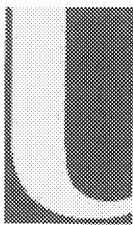
On behalf of the Uranium Producers of America, attached please find a comment letter on the Dewey-Burdock Draft UIC Class III Area permit.

Please confirm you received the attachment and let us know if you have any questions.

Best,

Ben

Ex. 6 Personal Privacy (PP)



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June 19, 2017

Ms. Valois Shea
U. S. Environmental Protection Agency
Underground Injection Control Program, 8WP-SUI
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Dewey-Burdock Draft UIC Class III Area Permit

Dear Ms. Shea:

On behalf of the Uranium Producers of America (UPA), the national trade association representing the domestic uranium industry, we are writing in opposition to the unprecedented and unwarranted new requirements the Environmental Protection Agency (EPA) is proposing for the Dewey-Burdock ISR operation. These requirements are arbitrary, capricious, and not supported by the governing statutes, existing regulations, or long-standing agency guidance. EPA has not provided any scientific or factual justification for the imposition of these new unwarranted and costly requirements.

UPA is unaware of any Class III permits for uranium ISR operations in the U.S. for which similar conditions have ever been imposed. Among our concerns are EPA's proposed requirements to:

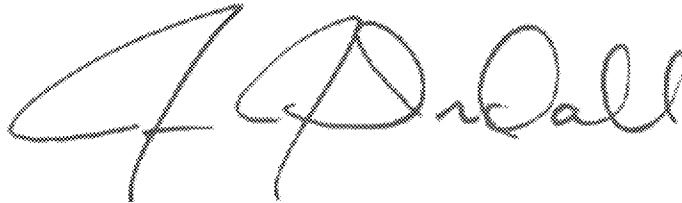
- Conduct post-restoration groundwater monitoring for each wellfield after the Nuclear Regulatory Commission (NRC) approval that groundwater restoration has been successfully completed;
- Install a new down-gradient compliance boundary monitoring well network for each wellfield inside of that currently required by NRC license requirements and quarterly sampling to determine initial baseline values;
- Collect core samples prior to operations, storing these for years and then testing these in "pass/fail" laboratory column tests, where a single constituent measured above background concentration would signal a failed test;
- Additional monitoring and corrective action requirements for an excursion detected in a non-injection interval monitoring well beyond those reviewed and approved by NRC; and

- Additional monitoring and corrective action requirements for an “expanding excursion plume” and a “remnant excursion plume”, despite citing no evidence that these have ever occurred at an ISR facility.

It appears the Region 8 office is attempting to apply similar standards to those included in a proposed rule issued by the EPA in January 2017 – Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (82 FR 7400). However, as you know, that rulemaking is not finalized and has serious flaws. In fact, it is still open for public comment and unclear if it will ever be finalized. The EPA previously issued and later withdrew a substantially similar proposed rule. The bottom line is, EPA must evaluate projects based on the existing statute, regulations, and long-standing guidance.

We urge Region 8 to re-evaluate its proposed requirements to ensure they are scientifically justified and in line with the existing rules and regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Indall". The signature is stylized with a large, sweeping initial "J" and a cursive "Indall".

Jon J. Indall
Counsel for Uranium Producers of America